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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,813	12/30/2003	Juha Marila	915-008.017	9367
4955 7590 08/17/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER OSBERG, THUY THANH	
			ART UNIT 2179	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,813

Applicant(s)

MARILA ET AL.

Examiner

Thuy Osberg

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Art Unit: 2179

DETAILED ACTION

1. This communication is responsive to amendment filed 06/05/2007 to the original application filed 12/30/2003. **This action is made Non-Final.**
 - A. Claims 1-29 are pending in the application.
 - B. Claims 21-28 were amended.
 - C. Claim 29 was newly added.

Claim Rejections - 35 USC § 103

2. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2179

3. Claims 1-5, 7, 9-16, 18, 20-24, 26 and 28-29 are rejected under 35 U.S.C. 102(e) as being unpatentable over Dostie et al. (US Pub 2004/0021691) in view of Buxton et al. (US Patent 6,094,197), hereinafter (“Dostie”, “Buxton”).

As to independent claims 1 and 12, Dostie teaches a device (e.g. method, device, etc), for inputting, comprising:

a display (fig. 1);

and a memory (fig. 1) comprising a first set of characters, said first set of characters comprising at least two characters (fig. 3, highlighted characters “TYSD”; par [0080], lines 12-21), and a second set of characters, said second set of characters comprising at least two characters (fig. 3, the remaining characters), wherein the characters in the first set of characters are statistically more likely to be selected in successive order than the characters in the second set of characters (par [0064], lines 1-5; par [0085]).

Dostie does not teach the display is adapted to display, for selection of which character to input, the first set of characters.

However, in the same field of virtual keyboard input, Buxton teaches the display is adapted to display the first set of characters, for selection of which character to input, (figs 7-10, 15-17; col. 4, lines 34-47; col. 5, lines 30-40), and characters, which are not likely to be selected are not display (figs 7-10, 15-17) to save display space (col. 2, lines 42-52)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dostie by having the display adapted to display

Art Unit: 2179

the first set of characters, for selection of which character to input as taught by Buxton in order to provide a way to select characters in an efficient manor and optimize the screen display (Buxton: col. 2, lines 12-20).

As to independent claim 21 (Current Amended), Dostie teaches a computer program product comprising program code stored in a memory (fig. 1, label 16, par [0067], lines 6-20) for generating a virtual keyboard on a display (par [0064], lines 15-24), when said program code is executed by a processor (fig. 1, labels 12, 26; par [0069], lines 1-7) the program code comprising:

for defining a first set of characters comprising at least two characters (fig. 3, highlighted characters "TYSD"; par [0080], lines 12-21);

for defining a second set of characters comprising at least two characters (fig. 3, the remaining characters), wherein the characters of the first set of characters are statistically more likely to be selected in successive order than the characters of the second set of characters (par [0064], lines 1-5; par [0085]).

Dostie does not teach the display is adapted to display, for selection of which character to input, the first set of characters.

However, in the same field of virtual keyboard input, Buxton teaches the display is adapted to display the first set of characters, for selection of which character to input, (figs 7-10, 15-17; col. 4, lines 34-47; col. 5, lines 30-40), and characters, which are not likely to be selected are not display (figs 7-10, 15-17) to save display space (col. 2, lines 42-52)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dostie by having the display adapted to display the first set of characters, for selection of which character to input as taught by Buxton in order to provide a way to select characters in an efficient manor and optimize the screen display (Buxton: col. 2, lines 12-20).

As to dependent claims 2, 13 and 22, In light of Dostie and Buxton, the device is adapted to select any desired one of the displayed characters if said desired character exists in the displayed first set of characters (Dostie: fig. 3; Buxton: figs 7-10, 15-17).

As to dependent claims 3, 14 and 23, In light of Dostie and Buxton, it appears that if the desired character is not in the displayed first set, the system would display more of the remaining character for selection. Even if it is not, such implementation would have been obvious to one of skill in the art. Motivation of the implementation is for providing the remaining characters for appropriate selection.

As to dependent claims 4, 15 and 24, In light of the rejection set forth in claim 3, user may select any desired one of the displayed characters if said desired character exists in the displayed second set of characters.

As to dependent claim 5, The combined references fail to teach the switch, however, in light of the combined Dostie and Buxton, it would have been obvious to one of skill in

Art Unit: 2179

the art to implement a switching means for switching from the first set of character to the second set of character to in search for the desired character.

As to dependent claims 7, 18 and 26, Dostie does not teach the device is adapted to display the characters in the first set of characters on the display in QWERTY-format.

However, Buxton teaches the device is adapted to display the characters in the first set of characters on the display in QWERTY-format (figs 7-10; col. 4, lines 34-47; col. 5, lines 30-40, that the keyboards displayed in figures 7-10 are clearly the QWERTY format as seen in row 2 of the keyboard as it spells out “qwerty” to the right of the tab key).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dostie by the device is adapted to display the characters in the first set of characters on the display in QWERTY-format as taught by Buxton in order to provide a way to select characters in an efficient and expedient manor based on a standardized keyboard layout (Buxton: col. 2, lines 12-20).

As to dependent claim 9, Dostie further teaches the display is a touch-sensitive display (par [0079], lines 1-6).

As to dependent claims 10 and 16, Dostie further teaches the first set of characters and the second set of characters are based on a specific language used for inputting information (par [0080]).

Art Unit: 2179

As to dependent claims 11, 20 and 28, Dostie further teaches the device is embodied as a mobile terminal for a mobile telecommunications system (par [0073], lines 13-20).

As to independent claim 29 (New), Dostie teaches a device for inputting information (fig. 1), comprising;

means for displaying characters (fig. 1);

and means for storing a first set of characters (fig. 1), said first set of characters

comprising at least two characters (fig. 3, highlighted characters "TYSD"; par [0080],

lines 12-21), and a second set of characters, said second set of characters comprising at

least two characters (fig. 3, the remaining characters), wherein the characters in the first

set of characters are statistically more likely to be selected in successive order than the

characters in the second set of characters (par [0064], lines 1-5; par [0085]).

Dostie does not teach the display is adapted to display, for selection of which character to input, the first set of characters.

However, in the same field of virtual keyboard input, Buxton teaches the display is adapted to display the first set of characters, for selection of which character to input, (figs 7-10, 15-17; col. 4, lines 34-47; col. 5, lines 30-40), and characters, which are not likely to be selected are not display (figs 7-10, 15-17) to save display space (col. 2, lines 42-52)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dostie by having the display adapted to display the first set of characters, for selection of which character to input as taught by Buxton in

Art Unit: 2179

order to provide a way to select characters in an efficient manor and optimize the screen display (Buxton: col. 2, lines 12-20).

4. Claims 6, 8, 17, 19, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dostie in view of Buxton and further in view of Pu et al. (US Patent 7,152,213), hereinafter "Pu".

As claim to dependents 6, 17 and 25, Dostie and Buxton do not teach the device is adapted to cluster, on the display for selection, characters within the first set of characters, so that characters that are statistically more likely to be selected in successive order appear closer to each other than characters that are statistically less likely to be selected in successive order.

However, in the same field of virtual keyboard input (Pu: col. 10, lines 55-57), Pu teaches the device is adapted to cluster, on the display for selection, characters within the first set of characters, so that characters that are statistically more likely to be selected in successive order appear closer to each other than characters that are statistically less likely to be selected in successive order (col. 4, lines 29-38; col. 2, lines 50-63; fig. 7A-7C; col. 9, lines 29-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dostie and Buxton by the device is adapted to cluster, on the display for selection, characters within the first set of characters, so that characters that are statistically more likely to be selected in successive order appear closer to each other than characters that are statistically less likely to be selected in

Art Unit: 2179

successive order as taught by Pu in order to provide an improved user interface used to input data without the use of a standard keyboard were the data that is entered is selected from a predefined list or group determining by the relative frequency of each valid selection in the predefined list and presenting those valid selections with the highest frequency in a position that minimizes the number keystrokes required for data entry (Pu: col. 2, lines 46-57).

As to dependent claims 8, 19 and 27, Dostie and Buxton do not teach the device is adapted to display the characters in the first set of characters on the display in alphabetical order.

However, in the same field of virtual keyboard input, Pu teaches the device is adapted to display the characters in the first set of characters on the display in alphabetical order (col. 4, lines 29-38; col. 2, lines 50-63; fig. 7A-7C; col. 9, lines 29-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dostie and Buxton by having the device is adapted to display the characters in the first set of characters on the display in alphabetical order as taught by Pu in order to provide an improved user interface used to input data without the use of a standard keyboard were the data that is entered is selected from a predefined list that is alphabetical determining by the relative frequency of each valid selection in the predefined list and presenting those valid selections with the highest frequency in a position that minimizes the number keystrokes required for data entry (Pu: col. 2, lines 46-57).

Art Unit: 2179

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332- 33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

The Examiner notes MPEP § 2144.01, that quotes In re Preda, 401 F.2d 825,159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

Response to Arguments

5. Applicant's arguments filed 03/05/2007 have been fully considered. The references have been withdrawn. Therefore, rejected to claims 1-29 is a new-ground rejection.

Conclusion

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Osberg whose telephone number is 571-270-1258.

The examiner can normally be reached on Monday-Friday (8:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Art Unit: 2179

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTO



BA HUYNH
PRIMARY EXAMINER